

11-13-06

DJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

§

JIM J. MILLER ET AL.

§

Attorney Docket: Miller-001:CIP

Serial No.: 10/730,431

§

Examiner: Kurt C. Rowan

Filed: December 8, 2003

§

Art Unit: 3643

§

For: IMPROVED AUTOMATIC FISH
HOOK AND METHOD OF USE

§

§

§

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S HEALTH
(C.F.R. 1.102 AND M.P.E.P. §708.02 III)

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present application, US Patent Application Serial No. 10/730,431 was filed on December 8, 2003 and is a Continuation-in-Part of US Application Serial No. 10/086,600 (filed February 28, 2002 and now abandoned), which is a Continuation of US Application Serial No. 09/516,720 (filed on March 1, 2000 and now abandoned), which claims priority from US Provisional Application Serial No. 60/122,462 filed March 1, 1999.

Presently, the instant application is under Appeal to the Board of Patent Appeals and Interferences with the Applicant/Appellant having filed, on August 29, 2006, a Reply Brief to the Examiner's Answer.

The Applicant/Appellant, Jim J. Miller, has been diagnosed with Multiple Myeloma; a typically incurable cancer of the plasma cells. Thus, the prognosis of this illness is such that the Applicant/Appellant might not be available to assist in the prosecution of the application and/or the appeal, if it runs its normal course.

Filed herewith is a doctor's declaration attesting to the diagnosis of Applicant.

The undersigned counsel for the Applicant courteously solicits that this application now be made special based upon the Applicant's health under C.F.R. § 1.102 and M.P.E.P §708.02 III. Although Applicant believes that no additional fees are required for the filing of this petition, the Commissioner is hereby respectfully authorized to deduct such additional fees, as might be required, from Deposit Account Number 13-2166.

Respectfully submitted,



Date: Nov. 9, 2006

Taras P. Bemko
(Registration No. 52,609)
The Matthews Firm
(Customer # 021897)
2000 Bering, Ste. 700
Houston, Texas 77057
(713) 355-4200 - Telephone
(713) 355-9689 - Facsimile

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Miller, et al.

Docket No.

Miller-001:CIP

Application No.
10 / 730,431Filing Date
8 December 2003Examiner
Rowan, Kurt C.Customer No.
021897Group Art Unit
3643

Invention:

Improved Automatic Fish Hook and Method of Use

NOV 09 2006

I hereby certify that the following correspondence:

Transmittal Letter (General - Patent Pending), and all documents referenced therein

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Matt Robinson

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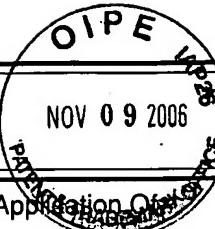


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TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
Miller-001:CIP

In Re Application Of

Miller, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10 / 730,431	8 December 2003	Rowan, Kurt C.	021897	3643	2329

Title:

*Improved Automatic Fish Hook and Method of Use*COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Return Post Card;
Certificate of Express Mailing (EV 516729762 US);
Petition to Make Special Because of Applicant's Health; and
Declaration in Support of Petition to Make Special

in the above identified application.

- No additional fee is required.
 A check in the amount of _____ is attached.
 The Director is hereby authorized to charge and credit Deposit Account No. 13-2166
as described below.
 Charge the amount of _____
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 Charge any additional fee required.
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: *Nov. 9, 2006*

Taras P. Bemko
Reg. No. 52,609
The Matthews Firm (Customer No. 021897)
2000 Bering Drive, Suite 700
Houston, Texas 77057
US
713-355-4200 Telephone
713-355-9689 Facsimile

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cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

JIM J. MILLER ET AL.

Serial No.: 10/730,431

Filed: December 8, 2003

For: IMPROVED AUTOMATIC FISH
HOOK AND METHOD OF USE

Attorney Docket: Miller-001:CIP

Examiner: Kurt C. Rowan

Art Unit: 3643

**DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF
APPLICANT'S HEALTH**
(C.F.R. 1.102 AND M.P.E.P. §708.02 III)

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

As the treating physician for the above named joint inventor, I, the undersigned physician, hereby declare that:

Jim J. Miller has been diagnosed with and is being treated for
Multiple Myeloma;

Mr. Miller was diagnosed with the above condition on or about
9/20/2005 and is currently undergoing treatment for the same; and

Mr. Miller's condition is such that Mr. Miller might not be available to assist in the prosecution of the application and/or the appeal, if the prosecution of the application and/or the appeal runs its normal course.

I hereby declare that all statements made herein of my own knowledge are true and that

all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 19 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued therefrom.

Full Name of Treating Physician:

Joseph E Brierre, MD

Signature:



Post Office Address:

501 W St Mary Blvd Ste 200
Lafayette, LA 70506